

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD R. WIELD,

Plaintiff,

v.

MATTHEW FRANK, et al.

Defendants.

ORDER

Case No. 04-cv-89-jcs

DONALD R. WIELD,

Plaintiff,

v.

JOHN BETT, et al.

Defendants.

ORDER

Case No. 07-cv-570-bbc
Appeal no. 08-1439

Plaintiff has submitted a motion for an order directing prison officials to pay \$888.00 of the remainder of the filing fees in these two closed cases from plaintiff's release account. Under the Prison Litigation Reform Act, an inmate who files a lawsuit or an appeal in federal court under the *in forma pauperis* statute must pay the filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income, in accordance with 28 U.S.C. § 1915(b)(2). This court previously entered orders assessing plaintiff initial partial payments of the filing and appeal fees for these cases, which plaintiff has paid. Plaintiff owes a remaining balance of \$936.99 to the court.

The language of 28 U.S.C. § 1915(b)(1) requires prison officials to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v.*

Bennett, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). However, with the exception of such initial partial payments, this court does not have the authority to tell state officials whether, and to what extent, a prisoner should be able to withdraw money from a release account. Accordingly, plaintiff's motion is denied.

ORDER

IT IS ORDERED that plaintiff Donald R. Wield's motion for an order directing prison officials to pay the remainder of the filing and appeal fees in these cases from plaintiff's release account is DENIED.

Entered this 24th day of March, 2017

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge